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1 A bill to be entitled  
 2 An act relating to Trust Funds; amending s. 28.2401, F.S.;  
 3 amending s. 28.2401, F.S.; amending s. 28.241, F.S.;  
 4 amending s. 34.041, F.S.; amending s. 34.041, F.S.;  
 5 amending s. 35.22, F.S.; amending s. 44.108, F.S.;  
 6 providing an effective date.

7  
 8 Be It Enacted by the Legislature of the State of Florida:  
 9

10 Section 1. Subsection (3) of section 28.2401, Florida  
 11 Statutes, is amended to read:

12 28.2401 Service charges and filing fees in probate  
 13 matters.—

14 (3) An additional service charge of \$4 on petitions  
 15 seeking summary administration, formal administration, ancillary  
 16 administration, guardianship, curatorship, and conservatorship  
 17 shall be paid to the clerk. The clerk shall transfer \$3.50 to  
 18 the Department of Revenue for deposit into the State Courts  
 19 Revenue Court Education Trust Fund and shall transfer 50 cents  
 20 to the Department of Revenue for deposit into the Department of  
 21 Financial Services' Administrative Trust Fund to fund clerk  
 22 education. No additional fees, charges, or costs shall be added  
 23 to the service charges or filing fees imposed under this  
 24 section, except as authorized by general law.

25 Section 2. Paragraph (a) of subsection (1) of section  
 26 28.241, Florida Statutes, is amended to read:

27 28.241 Filing fees for trial and appellate proceedings.—

28 (1)(a)1.a. Except as provided in sub-subparagraph b. and

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29 | subparagraph 2., the party instituting any civil action, suit,  
 30 | or proceeding in the circuit court shall pay to the clerk of  
 31 | that court a filing fee of up to \$395 in all cases in which  
 32 | there are not more than five defendants and an additional filing  
 33 | fee of up to \$2.50 for each defendant in excess of five. Of the  
 34 | first \$280 ~~\$265~~ in filing fees, \$95 ~~\$80~~ must be remitted by the  
 35 | clerk to the Department of Revenue for deposit into the General  
 36 | Revenue Fund, \$180 must be remitted to the Department of Revenue  
 37 | for deposit into the State Courts Revenue Trust Fund, \$3.50 must  
 38 | be remitted to the Department of Revenue for deposit into the  
 39 | Clerks of the Court Trust Fund within the Justice Administrative  
 40 | Commission and used to fund the Florida Clerks of Court  
 41 | Operations Corporation created in s. 28.35, and \$1.50 shall be  
 42 | remitted to the Department of Revenue for deposit into the  
 43 | Administrative Trust Fund within the Department of Financial  
 44 | Services to fund clerk budget reviews conducted by the  
 45 | Department of Financial Services. ~~The next \$15 of the filing fee~~  
 46 | ~~collected shall be deposited in the state courts' Mediation and~~  
 47 | ~~Arbitration Trust Fund.~~ One third of any filing fees collected  
 48 | by the clerk of the circuit court in excess of \$100 shall be  
 49 | remitted to the Department of Revenue for deposit into the  
 50 | Clerks of the Court Trust Fund within the Justice Administrative  
 51 | Commission.

52 |       b. The party instituting any civil action, suit, or  
 53 | proceeding in the circuit court under chapter 39, chapter 61,  
 54 | chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
 55 | 753 shall pay to the clerk of that court a filing fee of up to  
 56 | \$295 in all cases in which there are not more than five

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57 | defendants and an additional filing fee of up to \$2.50 for each  
 58 | defendant in excess of five. Of the first \$180 ~~\$165~~ in filing  
 59 | fees, \$80 must be remitted by the clerk to the Department of  
 60 | Revenue for deposit into the General Revenue Fund, \$95 ~~\$80~~ must  
 61 | be remitted to the Department of Revenue for deposit into the  
 62 | State Courts Revenue Trust Fund, \$3.50 must be remitted to the  
 63 | Department of Revenue for deposit into the Clerks of the Court  
 64 | Trust Fund within the Justice Administrative Commission and used  
 65 | to fund the Florida Clerks of Court Operations Corporation  
 66 | created in s. 28.35, and \$1.50 shall be remitted to the  
 67 | Department of Revenue for deposit into the Administrative Trust  
 68 | Fund within the Department of Financial Services to fund clerk  
 69 | budget reviews conducted by the Department of Financial  
 70 | Services. ~~The next \$15 of the filing fee collected shall be~~  
 71 | ~~deposited in the state courts' Mediation and Arbitration Trust~~  
 72 | ~~Fund.~~

73 |       c. An additional filing fee of \$4 shall be paid to the  
 74 | clerk. The clerk shall remit \$3.50 to the Department of Revenue  
 75 | for deposit into the State Courts Revenue ~~Court Education~~ Trust  
 76 | Fund and shall remit 50 cents to the Department of Revenue for  
 77 | deposit into the Clerks of the Court Trust Fund within the  
 78 | Justice Administrative Commission to fund clerk education. An  
 79 | additional filing fee of up to \$18 shall be paid by the party  
 80 | seeking each severance that is granted. The clerk may impose an  
 81 | additional filing fee of up to \$85 for all proceedings of  
 82 | garnishment, attachment, replevin, and distress. Postal charges  
 83 | incurred by the clerk of the circuit court in making service by  
 84 | certified or registered mail on defendants or other parties

85 shall be paid by the party at whose instance service is made. No  
 86 additional fees, charges, or costs shall be added to the filing  
 87 fees imposed under this section, except as authorized in this  
 88 section or by general law.

89 2.a. Notwithstanding the fees prescribed in subparagraph  
 90 1., a party instituting a civil action in circuit court relating  
 91 to real property or mortgage foreclosure shall pay a graduated  
 92 filing fee based on the value of the claim.

93 b. A party shall estimate in writing the amount in  
 94 controversy of the claim upon filing the action. For purposes of  
 95 this subparagraph, the value of a mortgage foreclosure action is  
 96 based upon the principal due on the note secured by the  
 97 mortgage, plus interest owed on the note and any moneys advanced  
 98 by the lender for property taxes, insurance, and other advances  
 99 secured by the mortgage, at the time of filing the foreclosure.  
 100 The value shall also include the value of any tax certificates  
 101 related to the property. In stating the value of a mortgage  
 102 foreclosure claim, a party shall declare in writing the total  
 103 value of the claim, as well as the individual elements of the  
 104 value as prescribed in this sub-subparagraph.

105 c. In its order providing for the final disposition of the  
 106 matter, the court shall identify the actual value of the claim.  
 107 The clerk shall adjust the filing fee if there is a difference  
 108 between the estimated amount in controversy and the actual value  
 109 of the claim and collect any additional filing fee owed or  
 110 provide a refund of excess filing fee paid.

111 d. The party shall pay a filing fee of:

112 (I) Three hundred and ninety-five dollars in all cases in

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113 | which the value of the claim is \$50,000 or less and in which  
 114 | there are not more than five defendants. The party shall pay an  
 115 | additional filing fee of up to \$2.50 for each defendant in  
 116 | excess of five. Of the first \$280 ~~\$265~~ in filing fees, \$80 must  
 117 | be remitted by the clerk to the Department of Revenue for  
 118 | deposit into the General Revenue Fund, \$195 ~~\$180~~ must be  
 119 | remitted to the Department of Revenue for deposit into the State  
 120 | Courts Revenue Trust Fund, \$3.50 must be remitted to the  
 121 | Department of Revenue for deposit into the Clerks of the Court  
 122 | Trust Fund within the Justice Administrative Commission and used  
 123 | to fund the Florida Clerks of Court Operations Corporation  
 124 | created in s. 28.35, and \$1.50 shall be remitted to the  
 125 | Department of Revenue for deposit into the Administrative Trust  
 126 | Fund within the Department of Financial Services to fund clerk  
 127 | budget reviews conducted by the Department of Financial  
 128 | Services. ~~The next \$15 of the filing fee collected shall be~~  
 129 | ~~deposited in the state courts' Mediation and Arbitration Trust~~  
 130 | ~~Fund;~~

131 | (II) Nine hundred dollars in all cases in which the value  
 132 | of the claim is more than \$50,000 but less than \$250,000 and in  
 133 | which there are not more than five defendants. The party shall  
 134 | pay an additional filing fee of up to \$2.50 for each defendant  
 135 | in excess of five. Of the first \$785 ~~\$770~~ in filing fees, \$80  
 136 | must be remitted by the clerk to the Department of Revenue for  
 137 | deposit into the General Revenue Fund, \$700 ~~\$685~~ must be  
 138 | remitted to the Department of Revenue for deposit into the State  
 139 | Courts Revenue Trust Fund, \$3.50 must be remitted to the  
 140 | Department of Revenue for deposit into the Clerks of the Court

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141 Trust Fund within the Justice Administrative Commission and used  
 142 to fund the Florida Clerks of Court Operations Corporation  
 143 described in s. 28.35, and \$1.50 shall be remitted to the  
 144 Department of Revenue for deposit into the Administrative Trust  
 145 Fund within the Department of Financial Services to fund clerk  
 146 budget reviews conducted by the Department of Financial  
 147 Services. ~~The next \$15 of the filing fee collected shall be~~  
 148 ~~deposited in the state courts' Mediation and Arbitration Trust~~  
 149 ~~Fund; or~~

150 (III) One thousand nine hundred dollars in all cases in  
 151 which the value of the claim is \$250,000 or more and in which  
 152 there are not more than five defendants. The party shall pay an  
 153 additional filing fee of up to \$2.50 for each defendant in  
 154 excess of five. Of the first \$1,785 ~~\$1,770~~ in filing fees, \$80  
 155 must be remitted by the clerk to the Department of Revenue for  
 156 deposit into the General Revenue Fund, \$1,700 ~~\$1,685~~ must be  
 157 remitted to the Department of Revenue for deposit into the State  
 158 Courts Revenue Trust Fund, \$3.50 must be remitted to the  
 159 Department of Revenue for deposit into the Clerks of the Court  
 160 Trust Fund within the Justice Administrative Commission to fund  
 161 the Florida Clerks of Court Operations Corporation created in s.  
 162 28.35, and \$1.50 shall be remitted to the Department of Revenue  
 163 for deposit into the Administrative Trust Fund within the  
 164 Department of Financial Services to fund clerk budget reviews  
 165 conducted by the Department of Financial Services. ~~The next \$15~~  
 166 ~~of the filing fee collected shall be deposited in the state~~  
 167 ~~courts' Mediation and Arbitration Trust Fund.~~

168 e. An additional filing fee of \$4 shall be paid to the

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169 clerk. The clerk shall remit \$3.50 to the Department of Revenue  
 170 for deposit into the State Courts Revenue ~~Court Education~~ Trust  
 171 Fund and shall remit 50 cents to the Department of Revenue for  
 172 deposit into the Clerks of the Court Trust Fund within the  
 173 Justice Administrative Commission to fund clerk education. An  
 174 additional filing fee of up to \$18 shall be paid by the party  
 175 seeking each severance that is granted. The clerk may impose an  
 176 additional filing fee of up to \$85 for all proceedings of  
 177 garnishment, attachment, replevin, and distress. Postal charges  
 178 incurred by the clerk of the circuit court in making service by  
 179 certified or registered mail on defendants or other parties  
 180 shall be paid by the party at whose instance service is made. No  
 181 additional fees, charges, or costs shall be added to the filing  
 182 fees imposed under this section, except as authorized in this  
 183 section or by general law.

184 Section 3. Paragraph (b) of subsection (1) of section  
 185 34.041, Florida Statutes, is amended to read:

186 34.041 Filing fees.—

187 (1)

188 (b) The first \$80 of the filing fee collected under  
 189 subparagraph (a)4. shall be remitted to the Department of  
 190 Revenue for deposit into the General Revenue Fund. The next \$15  
 191 of the filing fee collected under subparagraph (a)4., and the  
 192 first \$10 of the filing fee collected under subparagraph (a)7.,  
 193 shall be deposited in the state courts' State Courts Revenue  
 194 ~~Mediation and Arbitration~~ Trust Fund. An additional filing fee  
 195 of \$4 shall be paid to the clerk. The clerk shall transfer \$3.50  
 196 to the Department of Revenue for deposit into the State Courts

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197 Revenue Court ~~Education~~ Trust Fund and shall transfer 50 cents  
 198 to the Department of Revenue for deposit into the Clerks of the  
 199 Court Trust Fund within the Justice Administrative Commission to  
 200 fund clerk education. Postal charges incurred by the clerk of  
 201 the county court in making service by mail on defendants or  
 202 other parties shall be paid by the party at whose instance  
 203 service is made. Except as provided herein, filing fees and  
 204 service charges for performing duties of the clerk relating to  
 205 the county court shall be as provided in ss. 28.24 and 28.241.  
 206 Except as otherwise provided herein, all filing fees shall be  
 207 remitted to the Department of Revenue for deposit into the  
 208 Clerks of the Court Trust Fund within the Justice Administrative  
 209 Commission. Filing fees imposed by this section may not be added  
 210 to any penalty imposed by chapter 316 or chapter 318.

211 Section 4. Subsection (7) of section 35.22, Florida  
 212 Statutes, is amended to read:

213 35.22 Clerk of district court; appointment; compensation;  
 214 assistants; filing fees; teleconferencing.—

215 (7) The clerk of the district court of appeal is  
 216 authorized to collect a fee from the parties to an appeal  
 217 reflecting the actual cost of conducting the proceeding through  
 218 teleconferencing where the parties have requested that an oral  
 219 argument or mediation be conducted through teleconferencing. The  
 220 fee collected for this purpose shall be used to offset the  
 221 expenses associated with scheduling the teleconference and shall  
 222 be deposited in the State Courts Revenue ~~Mediation/Arbitration~~  
 223 Trust Fund.

224 Section 5. Section 44.108, Florida Statutes, is amended to  
 225 read:

226 44.108 Funding of mediation and arbitration.—

227 (1) Mediation and arbitration should be accessible to all  
 228 parties regardless of financial status. A filing fee of \$1 is  
 229 levied on all proceedings in the circuit or county courts to  
 230 fund mediation and arbitration services which are the  
 231 responsibility of the Supreme Court pursuant to the provisions  
 232 of s. 44.106. The clerk of the court shall forward the moneys  
 233 collected to the Department of Revenue for deposit in the state  
 234 courts' State Courts Revenue ~~Mediation and Arbitration~~ Trust  
 235 Fund.

236 (2) When court-ordered mediation services are provided by  
 237 a circuit court's mediation program, the following fees, unless  
 238 otherwise established in the General Appropriations Act, shall  
 239 be collected by the clerk of court:

240 (a) One-hundred twenty dollars per person per scheduled  
 241 session in family mediation when the parties' combined income is  
 242 greater than \$50,000, but less than \$100,000 per year;

243 (b) Sixty dollars per person per scheduled session in  
 244 family mediation when the parties' combined income is less than  
 245 \$50,000; or

246 (c) Sixty dollars per person per scheduled session in  
 247 county court cases.

248  
 249 No mediation fees shall be assessed under this subsection in  
 250 residential eviction cases, against a party found to be  
 251 indigent, or for any small claims action. Fees collected by the

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252 clerk of court pursuant to this section shall be remitted to the  
 253 Department of Revenue for deposit into the state courts' State  
 254 Courts Revenue ~~Mediation and Arbitration~~ Trust Fund to fund  
 255 court-ordered mediation. The clerk of court may deduct \$1 per  
 256 fee assessment for processing this fee. The clerk of the court  
 257 shall submit to the chief judge of the circuit and to the Office  
 258 of the State Courts Administrator, no later than 30 days after  
 259 the end of each quarter of the fiscal year, beginning July 1,  
 260 2008, a report specifying the amount of funds collected and  
 261 remitted to the state courts' State Courts Revenue ~~Mediation and~~  
 262 ~~Arbitration~~ Trust Fund under this section and any other section  
 263 during the previous quarter of the fiscal year. In addition to  
 264 identifying the total aggregate collections and remissions from  
 265 all "statutory sources, the report must identify collections and  
 266 remissions by each statutory source.

267 ~~(3) For the 2010-2011 fiscal year only and notwithstanding~~  
 268 ~~any other provision of law to the contrary, moneys in the~~  
 269 ~~Mediation and Arbitration Trust Fund may be used as specified in~~  
 270 ~~the General Appropriations Act. This subsection expires July 1,~~  
 271 ~~2011.~~

272 Section 6. This act shall take effect July 1, 2011.